

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JAN 25 2023

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

U.S. SECURITIES & EXCHANGE
COMMISSION,

Plaintiff-Appellee,

v.

JOCELYN M. MURPHY; MICHAEL S.
MURPHY,

Defendants-Appellants,

and

RICHARD C. GOUNAUD; RMR ASSET
MANAGEMENT COMPANY; BRUCE A.
BROEKHUIZEN; DOUGLAS J.
DERRYBERRY; DAVID R. FROST; NEIL
P. KELLY; JOHN M. KIRSCHENBAUM;
DAVID S. LUTTBEG; TIMOTHY J.
MCALOON; RALPH M. RICCARDI;
DEWEY T. TRAN; PHILIP A. WEINER,

Defendants.

No. 21-55178, 21-55180

D.C. No.
3:18-cv-01895-AJB-LL
Southern District of California,
San Diego

ORDER

Before: LEE and BRESS, Circuit Judges, and FITZWATER,* District Judge.

Judges Bress and Lee voted to deny Jocelyn and Michael Murphy's petition
for rehearing en banc [Dkt. 61]. Judge Fitzwater recommended denying the

* The Honorable Sidney A. Fitzwater, United States District Judge for
the Northern District of Texas, sitting by designation.

petition for rehearing en banc. The full court has been advised of the petition for rehearing en banc and no judge has requested a vote on whether to rehear the matter en banc. Fed. R. App. P. 35. The petition for rehearing en banc is DENIED.